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THE UNIVERSITY OF ALBERTA

THE ROLE OF JUST PERSONS IN HOBBES'S THEORY OF ABSOLUTE SOVEREIGN POWER

by

© Derek R. Cook

A THESIS

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ABSTRACT

Hobbes claims that absolute sovereign power, and not simply superior political power, is necessary for the security of civil society. Absolute power derives from the sovereign's use of the power of his citizens if their support is given without the threat of coercion. Citizens whose support of the sovereign does not require the threat of coercion are just persons. Citizens must be just persons in order for absolute sovereign power to obtain.

Just persons desire to obey the sovereign more strongly than they desire anything incompatible with civil obedience. Citizens who obey as a result of the threat of punishment for disobedience are unjust persons. Unjust persons may become just persons through the inculcation of moral virtue by the state. Defeating conditions for just persons are also defeating conditions for the existence of absolute sovereign power.

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CHAPTER I

THE PROBLEM

The Political Theory of Thomas Hobbes

It is the purpose of this thesis to argue that Hobbes's conception of just persons is an essential part of his theory of absolute sovereignty, the aim of which is the security of citizens in Commonwealths. I will argue that Hobbes's civil sovereign is absolute in respect to authority if citizens recognize his unlimited right to command, provided that the sovereign does not directly threaten their lives and that it is safe to obey. The sovereign is absolute in respect to power if the citizens are disposed to obey whatever he commands. In general, the sovereign is absolute when he has the use of the power of his citizens who recognize his authority. He has the certain use of the power of his citizens when they are disposed to obey and such citizens are just persons. It is the major claim of this thesis that the absolute power of the Hobbesian sovereign requires citizens who are just persons.

Just persons are necessary for absolute sovereign power since, I will argue, absolute sovereign power requires citizens whose support is neither coerced nor maintained by

threat of coercion. Only just persons are disposed to obey the will of sovereign without the threat of coercion. Superior political power might be based on the citizen's fear of coercion, but this cannot be the basis of absolute sovereign power.

A typical example of the view that the sovereign is simply the supreme coercive power is provided by L. Berns in a collection of essays on political philosophy edited by Leo Strauss and J. Cropsey.

> The sovereign must see to it that terror of punishment is a greater force than the lure of any benefit which could be expected from a breach of covenant. No moral force is appealed to in order to establish conditions of trust; once again fear is the passion to be relied upon. According to Hobbes, intelligent calculation of self-interest is all that is required to make a man just. The fact that he acts under compulsion does not make him less just, for self-interest is the only basis of morality.[1]

I deny that just persons (in the proper or strong sense) are those who must be compelled to obey the sovereign.

Sir Leslie Stephen, T.H. Green, G. Gooch, F. Copleston, and L. Berns all appear to conceive of the sovereign's power as derived from the fear inspired by the sword that he holds in his hand.[2] However, for different reasons, Stephen and Green have criticized Hobbes for putatively holding this

view, claiming that political power cannot be based on fear of coercion. Peter Bachrach even goes so far as to suggest that any theory which bases civil obedience solely on coercive power commits the Hobbesian fallacy.[3]

There are some interpreters of Hobbes, of whom I am one, who do not think that Hobbes was guilty of the "Hobbesian fallacy". On the frontispiece to the first edition of Leviathan (1651), the monster of the Old Testament and "king of all the children of pride" is pictured holding a sword in one hand and a sceptre in the other. The body of Leviathan is made up of the multitude of citizens through the use of whose power both sword and sceptre are raised.

R.S. Peters and J. Plamenatz claim that the sovereign's power is based on his having legitimate authority.[4] At the same time, however, both deny that political power can be unlimited. Plamenatz even denies that Hobbes thought that sovereign power could be unlimited: "No man or body has ever stood or could in the real world stand, to other men in such a relation that whatever he or it commanded they would do."[5] I will argue that Hobbes disagrees with Plamenatz's claim that citizens can never be expected to do whatever the sovereign commands.

One interpreter of Hobbes has claimed that absolute sovereign power is possible for the reason that "the reputation of power is power". However, this argument, advanced by F.S. McNeilly, cannot deal with the objection that the exercise of political power necessarily requires that it be delegated and thereby divided. Peters and David Gauthier both deny that political power can ever be undivided, and if political power is divided it cannot be absolute. Sovereign power cannot be undivided if those who must partake of its exercise are intent on pursuing their own immediate advantage. If undivided political power is to be possible, then those involved in its exercise must be of a unified will and purpose, which is something that cannot be achieved with fear of coercion. Citizens exercising political power must be just persons who are disposed to obey the law without coercion in order that political power may be undivided. If political power is undivided and unlimited, then it may be absolute.

The fact that absolute political power is necessary for the operation of the Hobbesian political system has been emphasized by David Gauthier.[6] Gauthier claims that absolute power must be obtained if it is to be rational for persons to keep their covenants, since this power guarantees that other

persons will keep their covenants. In the absence of absolute power, it may not be rational to obey or to keep covenants. If it is irrational to keep the civil law, then the logic of Hobbes's argument fails and his case for political obligation collapses. For Gauthier, Hobbes's political theory of absolute submission is a brilliant failure simply because absolute sovereign power is not possible.

However, if absolute sovereign power could obtain, then Hobbes's theory of political obligation might succeed. Gauthier attributes Hobbes's apparent failure to the radical individualism of his egoistic psychological theory. Gauthier falsely assumes that all persons in the Hobbesian Commonwealth must be threatened with coercion in order to keep their covenants. However, just persons will keep their covenants without the threat of coercion as long as they may safely do so. The possibility of citizens becoming just persons falsifies Gauthier's conclusion, although it may not invalidate his argument.

The possibility that citizens may become just persons is necessary to sustain the argument advanced by D.D. Raphael that the recognized authority of the sovereign would make him absolute.[7] The absolute power of the sovereign corresponds with his absolute authority only if citizens will obey the law

without the threat of punishment. If citizens recognize the supreme authority of the political ruler but still require the threat of punishment to induce them to obey, then supreme authority does not entail absolute sovereign power.

My position, that Hobbes's absolute sovereign requires citizens whose obedience is not based on fear of punishment, is also the position of Howard Warrender. Warrender refers to a Commonwealth ruled by an absolute sovereign as a political society:

> The possibility of political society is dependent upon most citizens or a critical number of them being prepared to do their duty once they see it, quite apart from the sanctions which the sovereign may be able to exercise against them. Whether they do their duty because they regard it as the will of God, or whether it is through hope of salvation or fear of divine punishment, is here immaterial; they do not do it through fear of the sovereign, for unless they are prepared to do their duty the sovereign is powerless and there is nothing to fear from him. Though civil sanctions may deter a few recalcitrants, they cannot withstand a general run on the bank.[8]

Warrender relies on the motive of fear of God as the reason for which citizens would obey the sovereign without the threat of coercion. In my view, however, just persons obey the sovereign for the motive of fear of death although they may fear God as well. Just persons recognize that obedience to the will of the sovereign is the best means of self-preservation

which all persons desire. Warrender and A.E. Taylor[9] interpret Hobbes's conception of just persons to refer to those persons who obey "for the sake of the law". Neither Warrender nor Taylor, however, appear to recognize that a person may act for the sake of the law from the motive of self-preservation.

In 1938, Taylor argued that Hobbes obligated persons to be just persons and to act for the sake of the law because they were obligated to God to do so. Taylor interprets Hobbes as a deontologist in whose ethical system, morally right behaviour is independent of utilitarian considerations. Warrender, who continues the attempt to establish a deontological system of ethics in Hobbes, rejects Taylor's claim that citizens are obligated to be just persons. Warrender considers that justice of persons deals only with those of the Christian faith and not with the political obligation of all citizens.[10] Taylor and Warrender agree that the moral behaviour of just persons, as they conceive them, is justified on a deontological but not on an utilitarian basis, to the extent that other-world considerations are not utilitarian.[11]

K.R. Minoque, who has recently discussed the concept of just persons, likewise does not appreciate the utilitarian dimension involved in justice of persons.[12] Taylor,

Warrender and Minoque all agree that the behaviour of just persons is "disinterested" in respect to material advantage, and "careless of consequences".[13] All three agree that just persons are of a much different nature than those persons that Hobbes describes as being ruled by their natural passions. They further agree that the "second nature" acquired by just persons cannot be "something held in place by such an external factor as the fear of punishment."[14] Yet for none of these interpreters is justice of persons an essential part of Hobbes's theory of absolute sovereignty.

In the following thesis I shall attempt to demonstrate the importance of the relationship between just persons and absolute sovereign power.

The second chapter of this thesis deals with the meaning of justice of persons and justice of manners; two distinct senses of just persons; and the necessity of distinguishing the means of preservation and objective advantage from the means of pleasure and subjective advantage.[15] The third chapter, on masters and servants, uses a micro-model of the relations between the sovereign and the subject to illustrate the necessity of citizens who are able to fulfil their contractual obligations without the threat of coercion.

The fourth chapter argues that just persons who are disposed to obey the law allow the possibility of absolute sovereign power. Absolute power requires the use of the power of the sovereign's citizens and that political power be unlimited and undivided. The fifth chapter examines the positive functions of the sovereign which include the duty to inculcate his citizens in virtue. The conclusion reiterates the major claim that absolute sovereign power requires just persons who are able to obey the law without the threat of coercion.

CHAPTER II

JUST PERSONS

Justice of Persons

> Although it is true that certain actions may be just in one state, and unjust in another, nevertheless, justice (that is, not to violate the laws) is and shall be everywhere the same.[16]

Hobbes's third law of nature prescribes that persons "perform their covenants made."[17] The performance of covenants is justice. Justice has a broad and a narrow sense, the latter of which means that persons ought to keep all their valid covenants. The broad sense of justice is derived from the covenant of the citizens of the Commonwealth, the purpose of which is to establish and maintain sovereign power. As a consequence of the citizens' covenant to obey, which is either explicit or tacit, the citizens are obligated to keep the will of the sovereign which is expressed in civil and natural law. Natural law is a part of civil law in every Commonwealth.[18] Just persons are those who obey both civil and natural law.

Just persons are those citizens who obey the sovereign's law because they are contractually obligated to do so. They intend to fulfil their obligations and will disobey the

sovereign only when they are no longer obligated to obey. Just persons possess the power of mind or the psychological ability to fulfil their obligations described by civil and natural law if social conditions of sufficient security obtain. They conceive obedience to the law as a means to their preservation in civil society. Just persons are rational actors who obey the law in pursuing their self-preservation even if it is not to their subjective advantage to do so.

Hobbes distinguishes between persons whose character is just and those whose actions are just or lawful.

> The names of Just and Injust, when they are attributed to Men, signify one thing; and when they are attributed to Actions, another. When they are attributed to Men, they signifie Conformity, or Inconformity of Manners, to Reason. But when they are attributed to actions they signifie the Conformity or Inconformity to Reason, not of Manners, or manners of life, but of particular Actions. A Just man therefore, is he that taketh all the care he can, that his actions may be all Just: and an Unjust man, is he that neglecteth it.[19]

In the earlier work, De Cive, there is a passage concerning just persons that parallels the one just quoted from Leviathan.

> He who hath done some just thing is not therefore said to be a just person but guiltless; and he that hath done some unjust things, we do not therefore say he is an unjust, but guilty man. But when the words are applied to persons, to be just signifies as much as to be delighted in

> just dealing, to study how to do righteousness, or to endeavour in all things to do that which is just; and to be unjust is to neglect righteous dealing, or to think it is to be measured not according to my contract, but some present benefit. So as justice or unjustice of the mind, the intention, or the man, is one thing, that of an action or omission another; and innumerable actions of a just man may be unjust, and of an unjust man just. But that man is to be accounted just, who doth just things because the law commands it, unjust things only by reason of his infirmity; and he is properly said to be unjust, who doth righteousness for fear of punishment annexed unto the law, and unrighteousness by reason of the iniquity of his mind.[20]

Just persons are those whose minds and intentions are just. The just person, whose mind is "framed by justice", has typically become just through the process of habituation.[21] The practice of the virtue of justice is the means by which the virtue of justice is required: "Obedience therefore justifies, because it maketh just; in the same manner as temperance maketh temperate, prudence prudent...."[22]

In De Corpore Politico, Hobbes's earliest political work, virtue is explicitly defined as habit. Virtue is that habit which accords with the laws of nature and vice is the opposite habit.

> As for example, justice is that habit by which we stand to covenants, injustice the contrary vice; equity that habit by which we allow equality of nature, arrogancy the contrary vice; gratitude the habit whereby we requite the benefit and trust of others, ingratitute the contrary vice; temperance the

> habit by which we abstain from all things that tend to our destruction, intemperance the contrary vice; prudence the same with virtue in general.[23]

That it is proper to call virtue a power of mind or a psychological ability may be derived from Hobbes's equation of moral virtues with good manners.

Virtue as Moral Ability

In Leviathan, Hobbes defines good manners as "those Qualities of mankind, that concern their living together in Peace and Unity".[24] Justice of manners is defined as the "disposition or aptitude" not to do injury (injustice).[25] It is from the definition of aptitude that virtue defined as a power may be obtained. Aptitude is defined as fitness or worthiness which are in turn defined as faculties or abilities or powers:

> WORTHINESS is a thing different from the worth, or value of a man; and also from his merit or desert; and consisteth in a particular power, or ability for that, whereof he is said to be worthy: which particular ability is usually named FITNESSE or Aptitude.[26]

Justice of manners is simply the psychological ability or power to do justice in the broad sense.

In De Homine, published in 1658, seven years after Leviathan, manners are defined in terms of dispositions

which have become habitual: "Dispositions when they are so strengthened by habit that they beget their actions with reason unresisting, are called manners. Moreover, manners, if they be good, are called virtues, if evil, vices."[27] Just persons are defined as those whose "manners conform to reason" or to law.[28] Therefore, just persons are those citizens with the ability to keep their covenants, an ability that typically has been obtained through habitual obedience. To say that just persons possess moral virtue means that they possess the power usually acquired by habit to do that which they are obligated to do. If just persons are necessary for the existence of absolute power, then absolute power cannot obtain until citizens have been habituated to obey natural law by some political ruler with superior power.

Dispositions

Whether citizens have the ability to do justice is dependent upon their dispositions and the factors affecting their dispositions. In De Homine, dispositions are described as arising from six factors: "...from the constitution of the body, from experience, from habit, from the goods of fortune, from the opinion one hath of oneself, and from authorities. When these things change, dispositions change also."[29] The dispositions of persons control their wills by

determining the intensity of the desire that is felt for any object. The six factors that Hobbes describes determine that which persons desire and the intensity of that desire. For Hobbes the strongest desire becomes a person's will. Persons cannot simply will to will because they cannot directly control the intensity of their desires. It would appear to follow that if persons are just it is not the product of their own wills that has made them just.[30]

The Second Sense of Just Persons

Hobbes maintains that persons are just persons if they desire to fulfil their obligations to the laws of nature which dictate keeping the will of the civil sovereign:

> The Lawes of Nature oblige in foro interno; that is to say, they bind to a desire they should take place: but in foro externo; that is, to the putting them in act, not alwayes. For he that should be modest, and tractable, and performe all he promises in such time, and place, where no man else should do so, should make himself a prey to others,...
>
> The same Lawes, because they oblige only to a desire, and endeavour, I mean an unfeigned and constant endeavour, are easie to be observed. For in that they require nothing but endeavour; he that endeavours their performance, fulfilleth them; and he that fulfilleth the Law is Just.[31]

The parallel passage in De Cive is more explicit in its reference to just persons: "Now he that has done all he is obliged to, is a just man".[32] Persons who desire to fulfil the law and who are thereby called just persons might not necessarily be just persons in the first sense in which I have used the term.

Just Persons in the Strong and Weak Senses

There are two senses of just persons in Hobbes's political theory, the relations between which are not explicitly stated. I shall call the first sense of just persons, referring to those persons who have the ability to obey the civil and natural law, the strong sense of just persons. I shall call the second sense of just persons referring to those persons who desire to obey the law, but who do not have the psychological ability to do so without the threat of punishment, the weak sense of just persons. Just persons in the weak sense desire to obey the law but they also desire other things which are incompatible with obedience to the law. For just persons in the weak sense the desire to do justice is not so intense as the desire for things incompatible with justice. Their desire for things incompatible with justice can be curbed only through fear of punishment. Intensity of

persons' desires is determined by the six factors that determine dispositions. Persons are not disposed to do justice when the intensity of their desire for justice is not so great as the intensity of their desire for things incompatible with justice, regardless of their fear of punishment. Habituation is one of the factors which determine the intensity of a person's desire to do justice, but habituation is not a necessary condition for persons being disposed to do justice. Some persons may be disposed to do justice without habituation, although presumably most will require it if they are to become just persons.

Persons who are not disposed to do justice cannot act justly unless doing so is compatible with their stronger desires, which is to say unless it is to their subjective advantage to do so, or unless they are motivated by fear of punishment to do so. Those whom I call just persons in the weak sense, Hobbes calls unjust persons.

Unjust persons are those whose manners do not conform to civil and natural law or those who are not disposed to do justice. Unjust persons are still unjust even if some of their actions are lawful, as is evident in the following passage from Leviathan: "...nor does unrighteous man lose his character, for such Actions, as he does, or forbears to do,

for fear; because his will is not formed by the Justice, but by the apparent benefit of what he is to do."[33] Unjust persons do not possess the power of mind or mental ability not to do injustice unless their subjective advantage or the sovereign's threat of coercion motivates them not to do it. Just persons in the weak sense are unjust persons, as are fools.

The Fool

Persons who possess neither the ability to be just, nor the desire to be just, are equivalent to those persons that Hobbes calls fools.[34] Fools and just persons in the weak sense must both be coerced to do every just action which is not perceived to be to their immediate advantage. However, fools, unlike just persons, do not see any reason why they should desire to be just persons in any sense. The Hobbesian fool acts on the basis of his self-interest as it is determined by the calculation of the intensity of the pleasure or pain to be derived from any possible actions.[35] However, there is something wrong with the fool's calculation of his or her possible pleasures or pains.[36] Hobbes recognizes, while his fool does not recognize, that the means to subjective advantage or pleasure are not equivalent to the means necessary for the realization of security and self-

preservation. The means to long-term advantage may be congruent with the means to security under an absolute sovereign, to which the fool poses a threat.

The Means to Preservation versus the Means to Pleasure

Fools see no reason to fulfil their obligations because they cannot distinguish between the means to pleasure, or the realization of any desire (which is subjective advantage) and the means to preservation and desires compatible with preservation (which is objective advantage). Just persons in both senses make this distinction, recognizing that their subjective advantage cannot always be that which is necessary for their preservation. Just persons in the strong sense are rational actors in that they have identified their private good with their objective advantage. Their objective advantage is obedience to civil and natural law so that they act justly without the threat of coercion. Just persons in the weak sense, even though they see what they ought to do for their preservation, are not rational actors in that they cannot do what their objective advantage requires without threat of punishment by the sovereign. Fools either deny that justice, modesty, mercy, equity, and the rest of the laws of nature are the necessary means of peace and preservation, or

they deny that self-preservation is their strongest and most important desire, or they deny both. If persons deny the importance of self-preservation, then Hobbes might say that they are mad and irrational; or else that they have never experienced fear of death and humiliation at the hands of an enemy;[37] or that they are consumed by the passion of revenge which provokes persons to act in contempt of their lives, but thereby irrationally.

Hobbes's claim that justice in the broad sense is necessary for preservation is not a claim that society will collapse if natural law is not upheld by the citizens. Rather, Hobbes claims that causes of dissolution will exist and increase the danger and probability of dissension and civil war if citizens do not adhere to natural law. Hobbes advocated the pursuance of long-run security. For Hobbes the fool's position is self-defeating since, if everyone reasoned this way, civil society could never be secure.

The Laws of Nature: An Ethics of Virtue and an Ethics of Duty

That which are the necessary means of preservation are the twenty Hobbesian laws of nature which prescribe that persons seek peace and the way in which they should do so. Hobbes summarized the laws of nature with the simple maxim, intelligible to all, that you ought not to do to others what

you would not wish others to do to you. According to Hobbes's statement given in De Homine, all the virtues of natural law are contained in justice, equity and charity.[38] If justice, equity and charity were always to a person's subjective advantage, there would be no need for the science of morality; but if they did not lead to peace and preservation, it would be irrational to follow them:

> ...all men agree on this, that Peace is Good, and therefore also the way, or means of peace, which (as I have showed before) are Justice, Gratitude, Modesty, Equity, Mercy, and the rest of the Laws of Nature, are good; that is to say, Morall Vertues; and their contrarie Vices, Evill.[39]

The laws of nature which just persons accept as the necessary means of preservation, peace and unity, involve virtues as well as rules. One might well ask what it means to call a law a rule and a virtue. The virtues of the laws of nature are the means by which persons are capable of fulfilling what the rules prescribe. Virtue is that power or ability by which persons are able to do that which they ought to do. That persons, for Hobbes, ought to do that which they are contractually obligated to do is narrower sense of what persons ought to do than is now accepted. In Hobbes's usage, what one ought to do, one also ought to have the natural power or ability to do without the threat of

punishment. If one is to follow the rule prescribing modesty or gratitude, one must have the corresponding virtue or else one cannot do what one ought to do.

In Frankena's terms, the laws of nature combine an ethics of virtue and an ethics of duty.[40] The former provides the ability for persons to do that which the latter prescribes. If persons do not have the mental ability to act with justice, equity, mercy, gratitude, and the like, then they cannot act virtuously unless it is to their subjective advantage to do so or unless what they do is out of fear of punishment. The laws cannot possibly regulate all human action. If unjust persons feign justice of persons, they may or may not be discovered by those whom they intend to fool, but they cannot fool those whom they provoke by their unjust manners. Good manners are necessary for absolute power, but they are also necessary for interpersonal harmony. If persons do not treat each other with justice, then Hobbes warns of the consequences.

Virtue as the Means of Preservation

In summation of the first section, I have held that virtues are equivalent to good manners, in Hobbes's sense, which in turn are equivalent to the disposition to do justice.

Just persons in the strong sense are those who possess the moral virtues or good manners or disposition to do justice. Since just persons are defined as those whose "manners conform to reason", just persons are called rational. That which is rational is to seek the means to one's preservation, which is to be attained through obedience to civil and natural law. Those who obey the law without fear of punishment regardless of subjective advantage are rational actors pursuing the means to preservation. Such persons desire justice more strongly than they desire anything incompatible with justice. The desire for justice is equivalent to the desire for the means of preservation since, when conditions of sufficient security obtain, justice is the means to preservation under an absolute sovereign power.

Persons whose strongest desires are for justice and preservation have become disposed to justice by changes in the six determinants of their dispositions. When the citizen's strongest desire is for justice, then he or she may be said to have acquired virtue or good manners or the power or ability to do justice. Once this mental ability has been acquired citizens generally do not need the threat of punishment in order to obey the sovereign when they think that

others too will obey. Citizens with this mental ability are rational actors who are able to pursue their objective advantage and who are just persons in the strong sense. All other citizens do not have the mental ability to pursue their objective advantage without threat of coercion.

CHAPTER III

MASTER AND SERVANT

That just persons in the strong sense are necessary for the existence of the Hobbesian Commonwealth, I shall illustrate using a micro-model of civil society. The relationships of masters and servants indicates the essential role of moral virtue in the Hobbesian system.

Servant and Slave

Hobbes distinguishes between a servant who has corporal freedom and a slave who does not. A servant has promised to obey his master, and "upon promise not to run away, nor to do violence to his master, is trusted by him".[41] The slave, on the other hand, has made no "covenant of obedience; that is of owning and authorizing whatsoever the master shall do".[42] The slave is under no obligation to the master and may with natural right kill him if he can. A state of war exists between master and slave, whereas a state of peace should exist between master and servant.

Insecurity of The Master

The master, since he vanquished the servant, has superior power to that of the servant. However, men are not so unequal that any man cannot kill another.[43] Upon the promise of obedience, the master has in effect trusted the servant with his life. The danger of punishment in itself could never be sufficient to guarantee the safety of the master, since at some time it might be to the advantage of the servant to kill his master. The relationship of the master and trusted servant is such that the master could not reasonably expect to defend himself successfully against a surprise attack of the servant. The safety of the master rests, ultimately, not on the threat of punishment, but rather on the servant's recognition of the validity of claims of obedience. But neither is this sufficient. The servant may desire to obey, but find that his desire for the perceived advantage that could be gained by killing his master is too compelling to resist. However, if the servant could become a just person in the strong sense, then the master might yet be secure.

The Just Servant

If the servant is a just person in the strong sense, then he will generally think that his long-term interest in

self-preservation is better served by obedience, even when it could be to his immediate advantage to disobey. The servant is a just man in the strong sense when he has acquired that moral virtue which gives him the psychological ability to pursue his long-term self-interest in self-preservation, even when it conflicts with his subjective advantage.

The Foolish Servant

The master will be secure if his servant is, or comes to be, a just person in the strong sense. If, however, the master's servant is a fool, then the master can never be secure until he reduces his servant to the status of slave - or at least ensures that the fool is under sufficient coercion to do that which is required of him. Only if the master is certain that his servant is not a fool or a just person in the weak sense would it be rational for the master to trust the servant, since there could be some time at which the fool might perceive himself advantaged by killing his master. The fool does not recognize the fact that by killing his master he may precipitate a return to the state of nature and the war of all against all in which it would be unreasonable to expect self-preservation. The fool is irrational because he ignores that which is necessary for his preserva-

tion, which is obedience to the master.

If the servant sees what is necessary to his preservation, but also sees that the master does not provide social conditions of sufficient security then the servant may reasonably disobey the master. But this is not the reasoning of the Hobbesian fool, but rather of the just person who sees that his preservation is not furthered by obedience and therefore that he is not obliged to obey. The purpose of obligation to a master is security. If sufficient security does not obtain then the servant is not obliged to obey the master. However, the servant is obliged to the desire and endeavour that political and social conditions necessary for security, actually come to exist. The fool is irrational because he does not see that social and political security are necessary for his self-preservation. However, the irrational reasoning of the fool would bring him to the conclusion to which the just person comes if sufficient conditions of security are not maintained by the master or the sovereign. If the master is unjust and neglects his duty to provide security for his servants, then in this case the false reasoning of the fool and the right reasoning of the just person coincide, and may be indistinguishable. In general, in any political situation where servants or subjects do not receive the social

security by which they could reasonably expect to preserve themselves, the reasoning of fools and of just persons will come to the same conclusion - that they have the right not to obey.

The Just Master

The master will have a self-interested desire that his servant be a just person in the strong sense, since otherwise the servant could not be trusted. The master would like to trust the servant since he would like the use of the servant's labour power. If both the master and the servant are just persons in the strong sense, then both will treat each other according to the laws of nature and, other things being equal, the relationship will be stable.

The Unjust Master

If the master is an unjust person, then he may display injustice, ingratitude, arrogance, pride, cruelty, inequity, partiality and all the other moral vices in his relations with his servant. The disregard of the laws of nature on the part of the master might be expected to cause the servant to feel indignation towards his master that would dissolve his loyalty and his disposition to obey. Such

indignation might provoke the servant to revenge, as Hobbes makes clear in Leviathan: "All signs of hatred or contempt provoke to fight; insomuch as most men choose rather to hazard their life than not to be revenged."[44] The servant's fear of punishment might not be sufficient to temper his desire for revenge against an unjust master. If the master is rational, then he will pursue a course of action in relation with the servant that does not make the servant regret his position, unless the master thinks that he holds sufficient coercive power to make the servant obey regardless of other factors.

If the master desires to maintain the obedience of his just servant, he must provide sufficient security for the servant, so that it does not become rational for the servant to seek the means to his self-preservation through disobedience. If the master is a fool, then he may not perceive that without social security even a loyal, just servant may, with right reason, disobey. If the master chooses to neglect the provision of sufficient social security for the servant, then he can expect that even the just servant's obedience may require compulsion.

The Master Requires a Just Servant

In order to coerce a servant or to reduce a servant to the status of a slave, the master must rely on the loyalty of other servants that are just persons in the strong sense. The power of the master alone is never so great that by some means the weakest servant could not kill him. The master's treatment of these other servants must be such that they remain just persons and that their loyalty to their master does not dissolve. If the master treats these servants unjustly, then he has no reason to expect that they will not kill him when it is to their advantage to do so, or even if it is not to their advantage to do so as when the servants are consumed by a sudden anger. This example is intended to show that the master must rely on servants that are just persons in the strong sense if his power is to be greater than that which he alone possesses. The trusted servant must possess the moral virtue and mental ability to obey the will of the master through which he can pursue his objective advantage.

CHAPTER IV

ABSOLUTE POWER

Hobbes is not content to establish and justify the superior power of the master or sovereign. He is concerned to establish that which is necessary for the absolute power of the political ruler. The power of force is not sufficient to establish the absolute power of the sovereign. It is necessary to question the conception that "Leviathan is simply a policeman of superhuman size with a truncheon in his hand".[45] It must be recognized that Leviathan can only wield his truncheon if his citizens are just persons in the strong sense. Leviathan's absolute power derives from the combined power of his citizens. Without absolute power no political ruler is sovereign.

Authorization

In order to establish the absolute right of the sovereign over his subjects, Hobbes found it necessary to add to his theory of obligation the theory of authorization.[46] Without a theory of authorization the citizens are only obliged, by their covenant of obedience, not to resist the

sovereign's use of the natural right that they have transfered to him. To give up a right entails an obligation not to resist the use of that right by whomever it was that received it. However, an obligation not to resist the sovereign on the part of the citizens is insufficient to establish the absolute power of the sovereign. Hobbes invokes his theory of authorization in order to establish the subject's obligation to obey the sovereign, not only not to resist. The power of the subjects cannot be literally transfered to the sovereign as can rights. The sovereign's power is solely based on the use of the power of the subjects. If the subjects are only obligated not to resist the sovereign, they are not obligated to use their power in whatsoever way the sovereign thinks is necessary for the good and security of the Commonwealth.

When the subjects authorize the actions of their sovereign, they give him the right to act as representative of them all. All actions of the representative obligate those who are represented to the extent that the representative has the right to represent to others the will of those that "own" his actions. If the agreement between the representative and the represented stipulates limitations on what the persons who are represented will acknowledge as their own, then the

authority of the representative does not extend beyond those limits. Authors only "own" those actions of their representative which represent their designed will.

The authority of the sovereign representative is absolute because in the act of authorization of the sovereign, subjects "Authorize all his Actions".[47] "This is more than consent, or concord; it is a real Unitie of them all, in one and the same Person, made by covenant of every man with every man...."[48]

To Obey or Not to Resist

The necessity of the theory of authorization at the level of obligation is parallel at the psychological level by the necessity of citizens who are disposed to obey and not simply disposed not to resist. If the absolute right of the sovereign established by authorization is to be combined with de facto absolute power, then the Commonwealth requires citizens who possess the ability and the will to give the sovereign the use of their power. This requirement is met by citizens who are disposed to do justice, since justice requires the keeping of the covenant of obedience to the sovereign.

Citizens who are disposed to obey are just persons

in the strong sense. If citizens are just persons in the weak sense, or fools, then they do not possess the psychological ability to follow the sovereign's will unless they are threatened by coercion by that power which they themselves are to provide. The just person in the weak sense will support the sovereign's cause against internal or external threats if the sovereign has sufficient power to overcome these threats. It may be assumed that some threat will not be so great that it could not be quelled by the absolute power of the sovereign, but great enough that absolute sovereign power is required to quell it. If the just person in the weak sense knows that the sovereign power is absolute, then it is rational to obey, following Hobbes's twentieth law of nature. However, if the sovereign did not possess absolute power, then on our assumption this power is not sufficient to dispel the threat and it is not rational to obey the sovereign. The citizens must provide the use of their power to the sovereign if his power is to be absolute. Therefore the obedience of just persons in the weak sense is conditional upon the obedience of other citizens during times of crisis. But how is the just person in the weak sense to know if other citizens are prepared to give the sovereign the use of their power? Since the sovereign cannot coerce that power which he relies upon to coerce others, just persons in the weak sense

cannot be certain whether the sovereign will have the use of the power of all. If citizens are just persons in the weak sense, it is not certain that the sovereign will have the use of their power to meet internal or external threats.

If the magnitude of the external threat is greater than the combined strength of the citizens of a Commonwealth no one is obliged to obey.

Hobbes, however, was more concerned to secure civil societies against dissolution through civil war resulting from a large internal threat which the sovereign could not meet. If the power of the sovereign was absolute, then there could be no chance of the success of any internal threat. Absolute sovereign power can guarantee the safety of civil society only against civil war and internal threats.

Sovereign Power Undivided and Unlimited

Absolute political power must be neither divided nor limited. Even though the sovereign must use public ministers and civil servants, sovereign power is not divided by the delegation of responsibility among subordinates, if those subordinates employ the power that they exercise according to the single will of the sovereign. The delegation of responsibility does not necessarily entail division of political

power unless magistrates or civil servants who exercise that responsibility do so in a way that is not congruent with the will of the sovereign. If the will of those who exercise power in the name of the sovereign is congruent with the will of the sovereign, then power delegated need not be power divided. If sovereign power is exercised with a united will and purpose, then individual powers of those who exercise it do not oppose or reduce each other. If the public ministers and civil servants of the Commonwealth are just persons in the strong sense, then sovereign power need not be divided by its delegation. Just persons in the weak sense are not sufficient to prevent the division of power resulting from its delegation. Civil servants cannot coerce each other to obey that power which they themselves exercise.

That which is true of civil servants and public ministers is also true of those who are sovereign representatives. According to Hobbes, the theory of absolute sovereignty is applicable to a monarchy, an oligarchy or a democracy. Sovereign power may be held by one person, some people or by all the people. If civil society is a sovereign democracy then all citizens must be disposed to obey the civil and natural law or else there could be no single, united judgement. The sovereign will cannot itself rest on

threat of coercion, so that unless the citizens are united in their disposition to obey the law there could be no undivided sovereign power. If the political system is democratic, then citizens must be just persons in the strong sense if sovereign power is not to be divided.

In general it may be said that sovereign power can be undivided only if citizens engaged in its exercise are just persons in the strong sense. In society where any citizen might have the chance to exercise political power (i.e., in a democracy), citizens must be just persons in the strong sense if sovereign power and will are to be undivided. Undivided sovereign power is absolute if it has the use of the power of its citizens and if it is unlimited. It is unlimited if citizens are just persons in the strong sense and if they have the will to obey. Just persons may be just even though they do not have the will to obey, if they are not obligated to obey. The sovereign must satisfy the conditions under which obligation to civil law obtains. These conditions are satisfied when the sovereign is able to provide the citizens with security and when he does not directly threaten their lives.

The sovereign power cannot be absolute if citizens are just persons in the weak sense or if the society is made

up of fools. The presence of fools and just persons in the weak sense indicates the existence of superior but not absolute political power. The possibility of the realization of absolute political power depends on the success of political rulers with superior power in establishing the necessary conditions for absolute power. The strategy is far advanced when citizens become just persons in the strong sense having the ability to obey without coercion. If citizens must be just, then it is the duty of the sovereign to make them just.

CHAPTER V

THE POSSIBILITY OF JUST PERSONS

The Duties of the Sovereign

For Hobbes, persons could act justly only if it was rational for them to do justice. If their security is attained by doing justice, then it is rational that they do it. The threat of punishment from the sovereign power upon those who do not keep their covenants makes it reasonable for persons to expect other persons to keep their side of a promise. Persons are rational to keep their covenants if they can expect others to keep theirs. If sovereign power is not sufficient to ensure that citizens keep their covenants, then it is not rational to expect that everyone will keep them, and therefore it is not rational for persons to keep their own.

Sovereign power must be sufficient to enforce covenants through punishment, but it is also necessary that the punishment for breach of covenant be made known to the citizens. The punishment provided for crime must be sufficiently

great so that it is generally not to the immediate advantage of citizens to do that which is forbidden: "For the end of punishment is not to compel the will of man, but to fashion it, and to make it such as he would have it who hath set the penalty".[49] However, punishment by itself is insufficient for keeping the citizens within the bounds of the law and maintaining or establishing a disposition to obey the sovereign.

Citizens of every society are habituated by the social relations founded therein, but all social relations and all habits do not support obedience. Punishment cannot by itself root out those habits pernicious in the view of the sovereign: "And because opinions which are gotten by education, and length of time are made habitual, cannot be taken away by force and upon the sudden; they must therefore be taken away also by time and education".[50]

By education of the citizens by the sovereign, Hobbes means that the reasons for legitimate sovereign authority are to be taught, so that the citizens are not misled by fools or others to question the basis of their obligations. Citizens are to be taught the theory of absolute sovereignty, which includes teaching them that they should not try to change the established sovereign, nor to question or dispute the sovereign's authority:

> Again, every Sovereign Ought to cause Justice to be taught, which (consisting in taking from no man what is his) is as much as to say, to cause men to be taught not to deprive their Neighbours, by violence, or fraud, of any thing which by the Sovereign Authority is theirs....
>
> Lastly, they are to be taught that not onely the unjust facts, but the designes and intentions to do them, (though by accident hindred) are Injustice: which consisteth in the pravity of the will, as well as in the irregularity of the act.[51]

In this last passage Hobbes appears to assert that the sovereign ought to teach citizens the necessity of being just persons, not simply persons who act according to the law. The sub-title on the text beside this last passage indicates the manner in which citizens are to carry out their duties. It reads: "And to do all this sincerely from the heart." The sincere, unfeigned desire for justice is a character trait only of just persons.

The ideological components of the sovereign's power deals both with those ideas that should be inculcated, and with those ideas that should be prohibited. In the latter category falls all the older moral philosophy by which the subject's right to rebellion or to limit the sovereign power was established. Also prohibited is any religious doctrine that places ecclesiastical representatives above or beyond

the power of the civil sovereign. In general, censorship falls on any doctrine antithetical to the aims of absolute sovereignty or any doctrine which the sovereign considers a danger to the public peace. Although all doctrines incompatible with the sovereignty are to be banned by law, political rulers are mistaken, "to extend the power of the law, which is the Rule of Actions onely, to the very thoughts and consciences of men, by Examination and Inquisition of what they Hold."[52] Even so, Hobbes cannot be said to allow freedom of thought. Without the right to express what one would like or to engage in the unfettered pursuit of truth, the liberty to believe what one likes is formal and empty, and gives one no power to decide freely what one should belief for oneself. Without freedom of speech, freedom of thought is meaningless.

Even if citizens are not allowed to express their views, they will be discontent, if they receive no benefit from obedience to the sovereign. The citizens will not regret their obedience as long as they perceive that their private advantage is congruent with their civil obligations. The whole point of the power of the sovereign is to ensure that a citizen's private good and public duty can be conceived to be congruent in the long run. This perception

will be endangered if subjects who are thought to disobey the law appear to prosper more than those who obey; or if the law itself is not administered with equity. Persons must be treated equally to the extent that they think themselves equal, or else they will think themselves dishonoured.

If the sovereign fails in the attempt to dispose his citizens to obey, for any reason, then just persons in the strong sense do not obtain and political power therefore, cannot be absolute.

CHAPTER VI

CONCLUSION

It has been the intention of this thesis to demonstrate the political significance of moral virtue in Hobbes's political theory. This dimension has long been ignored by commentators on Hobbes's political theory. C.B. MacPherson's work on Hobbes, which is the best on Hobbes's political dimensions, makes no mention of justice of manners, let alone the political significance of just persons.[53] MacPherson accepts Leo Strauss's pejorative characterization of Hobbes's virtues as "bourgeois", as if it means that virtue for Hobbes is simply equivalent to self-interest.[54] MacPherson does not see the significance of the distinction between subjective and objective advantage. For Leo Strauss fear of death is the basis of just or moral attitude and of what I have called objective advantage.[55] It is this moral attitude, when it has become moral virtue or aptitude, that is the basis of absolute political power. MacPherson does not see the political necessity of the practice of virtue because he mistakes superior political power based on fear of punishment, for absolute sovereign power.

Absolute sovereign power can be based only on the practice of virtue which is the means to peace. Superior political power may be sufficient to maintain peace in civil society, but if Hobbes's analysis of power is correct, superior political power cannot guarantee that the society will not dissolve into civil war in the face of internal threats. War, it should be remembered, is not for Hobbes a time of constant battle but rather that time during which the will to contend by force is sufficiently known.

The factor which is mainly responsible for the dissolution of civil society is for Hobbes, as for Plato, the division of political power. Since all political power must be delegated to subordinates in its actual exercise, it will necessarily be divided unless it is exercised with a unified purpose. Since the unified exercise of power cannot be based on the threat of coercion, just persons in the strong sense are necessary if political power is not to be divided. Only just persons in the strong sense may exercise political power with a unified purpose. The requirement for just persons in the strong sense is particularly evident for the application of Hobbes's theory of absolute sovereignty to a sovereign democracy. Absolute sovereign power requires the congruence of the will of the

citizens with the will of the sovereign. Such a congruence can obtain only if citizens are just persons. The practice of justice, equity, modesty, mercy, gratitude and the other virtues of the laws of nature is the necessary means of peace and preservation. That citizens become just persons is therefore necessary for the peace, unity and security of all civil societies.

> The law therefore, in the means to peace, commands also good manners, or the practice of virtue; and therefore it is called MORAL.
>
> De Cive 3, 31.

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1. L. Berns, "Thomas Hobbes", Strauss, L. and Cropsey. S., ed., History of Political Philosophy, Rand McNally & Co., Chicago, 1963. p. 361.

2. Sir Leslie Stephen, Hobbes, Ambassador Books Ltd., Toronto 1961, p. 212.

Hobbes's egoism forces him to the doctrine that the particules (citizens) gravitate together simply from fear - fear of the magistrate or fear of your neighbour. Stephen goes on to suggest that political power is insufficiently based upon fear: in the last resort the sovereign power must still rest upon custom.

T.H. Green, Lecture on the Principles of Political Obligation. Longmans, Green and Co. London, 1941, p. 64. According to Green the Hobbesian sovereign is founded on compulsion but mistakenly since will, not force, is the basis of state.

No obligation, then, as a distinct from compulsion to submit to an ostensibly sovereign power can consistently be founded on a theory according to which right either=simple power, or only differs from it, in the form of 'jus civile', through being a power which an 'imperium' enables individuals to exercise as against each other. Hobbes could not indeed have made out his doctrine (of the absolute submission to the sovereign) with any plausibility, if he had stated with the explicitness of Spinoza that 'jus naturale' 'naturalis potentia.' That it is so is implied in the account of the state of things preceding the establishments of sovereignty as one of 'bellum omnium contra omnes'; for where there is no recognition of a common good, there can be no rights but natural power, no obligatory covenant can be made.

F. Coplestone, A History of Philosophy, Vol. 5, part 1, Doubleday, Garden City, N.Y. 1964, p. 51. "...Sovereign power is based on fear."

3. P. Bachrach, The Theory of Democratic Elitism: A Critique. Little Brown and Co., Boston, 1967, p. 69.

4. R.S. Peters, Hobbes, Penguin Books, Toronto, 1956, p. 227.
A ruler cannot exercise authority indefinitely by sole reliance on the sword.

J. Plamenatz, Man and Society, Vol. 1, Longmans, Green and Co. Ltd., London, 1963, p. 149.

5. Ibid., p. 145.

6. D. Gauthier, The Logic of Leviathan, Oxford University Press, London, 1969, p. 98.
The Hobbesian sovereign is the 'necessary means' of ensuring that citizens keep their covenants.

7. D.D. Raphael, Problems of Political Philosophy, MacMillan and Co. Ltd., London, 1970, p. 61.

8. H. Warrender, The Political Philosophy of Hobbes, Oxford University Press, London, 1957, p. 318.

9. A.E. Taylor, "The Ethical Doctrine of Hobbes", Philosophy, Vol. 13, 1938, p. 406.

10. H. Warrender, Op. Cit., p. 90.
As we shall see, the justice of persons is not connected with obligation as such, but with salvation, and the theory of obligation itself is concerned with the justice of actions and with guiltless persons.

11. Against Warrender it has been argued that obligations are contractual, the result of some act of a person's own, but no one has denied that citizens are not

obligated to justice of manners. It is rather my purpose to deal with that which is a strong piece of evidence for that claim. The argument that justice of manners is necessary for absolute sovereign power is a pre-requisite for the argument that citizens are obligated to justice of manners.

12. K.R. Minoque, "Hobbes and the Just Man" in Cranston and Peters, Hobbes and Rousseau, Doubleday and Co., Garden City, N.Y., p. 66.

13. Warrender could hold, however, that the just person would be "disinterested" in worldly advantage only because of his interest in salvation.

14. K.R. Minoque, Op. Cit., p. 81.

15. Subjective advantage is equivalent to the realization of any desire that a person wishes to fulfil. Subjective advantage may or may not be compatible with preservation and objective advantage. Objective advantage is the realization of the means to preservation or the realization of any desire compatible with the means of preservation. The just person attempts to realize his or her objective advantage. Only the pursuit of objective advantage is what Hobbes would call rational. The just person conforms his or her "Manners to reason." All persons who have submitted to a civil sovereign for protection with the intention of preserving themselves, therefore obtain, through an action of their own, the obligation to support the sovereign in doing whatever is necessary for the peace of the Commonwealth. What is necessary for Peace is absolute sovereign Power, for which in turn just persons are necessary.

16. Hobbes, De Homine 13, 9, in Gert, B. ed., Man and Citizen, Anchor Book, Garden City, N.Y., 1962, p. 63.

17. Hobbes, Leviathan, Penguin Books, Harmondsworth, England, 1968, Ch. 15, p. 201.

18. Hobbes, De Homine, in Gert, Op. Cit., p. 69, "... Natural law, when the state is constituted, becomes part of the civil law."

19. Hobbes, Leviathan, p. 206.

20. Hobbes, De Cive 3, 5, in Gert, Op. Cit., p. 138.

21. Leviathan is dedicated to a person whose brother had an "inherently" just nature - Sir Sidney Godolphin. Persons who are by nature virtuous (who are however "rarely found") do not need to be habituated to possess good manners. The process of habituation cannot be therefore a necessary condition for all citizens to acquire just manners.

22. Hobbes, De Cive 18, 12, in Gert, Op. Cit., p. 382.

23. Hobbes, De Corpore Politico 4, 14, in Peters (ed.), Body Man and Citizen, Collier MacMillan Ltd., London, 1962, p. 300.

24. Hobbes, Leviathan, p. 160. Hobbes is not referring to the rules of politeness: "By Manners, I mean not here, Decency of behavior; as how one man should salute another or how a man should wash his mouth, or pick his teeth before company, and such other points of the Small Morals...."

25. Ibid., p. 207.

26. Ibid., p. 159.

27. Ibid., p. 68.

28. Ibid., p. 206.

29. Gert, B., Op. Cit., p. 63. The opinion one has of one-self determined the intensity of one's desire for honour.

30. > But though the will be not itself voluntary but only the beginning of voluntary actions (for we will not to will but to act), and therefore falls least of all under deliberation and compact; yet he who submit his will to the will of another, consequence to that other

> the right of his strength and faculties. Insomuch as when the rest have done the same, he to whom they submitted, hath so much power, as by the tenor of it he can conform the wills of particular man unto unity and concord.
>
> De Cive, p. 170.

31. Hobbes, Leviathan, p. 215.

32. Hobbes, De Cive, 3,30, in Gert, Op. Cit., p. 150.

33. Hobbes, Leviathan, p. 202.

34. The fool questioneth, whether injustice, taking away the feare of God, (for the same foole hath said in his heart there is no God) may not sometimes stand with that Reason, which dictateth to every man his own good; and particularly then, when it conduceth to such a benefit, as shall put a man in a condition, to neglect not only the dispraise, and revilings, but also the power of other men. The Kingdome of God is gotten by violence: but what if it could be gotten by unjust violence? Were it against Reason so to get it, when it is impossible to receive hurt by it? and if it be not against reason, it is not against Justice: or else Justice is not to be approved for good. From such reasoning as this, Succesfull wickednesse hath obtained the name of Vertue...This specious reasoning is neverthelesse false.

    Leviathan, p. 203.

35. T. Nagel, "Hobbes on Obligation", Philosophical Review, 1959, p. 74.

> Nothing could be called a moral obligation which in principal never conflicted with self-interest.

Nagel and Hobbes's fool do not divide "self-interest" into subjective advantage and objective advantage.

36. The fool that does not realize that self-interest is the realization of desire, whatever that desire might be. If the desire for preservation, becomes the desire for virtue then the practice of virtue is, by definition, in the self-interest of whoever desires virtue. If citizens desire preservation and come to desire virtue because of the actions of the sovereign then the practice of virtue is in their self-interest.

37. Hobbes, Leviathan, p. 188. "The passions that encline men to peace are feare of Death...."

38. Hobbes, De Homine, in Gert, Op. Cit., pp. 69-70.
> Morever, that moral virtue, that we can truly measure by civil laws, which is different in different states, is justice and equity; that moral virtue which we measure purely by the natural laws is only charity. Furthermore, all moral virtue is contained in these two...So condensing this whole teaching on manners and dispositions into the fewest words, I say that good dispositions are those which are suitable for entering into civil society; and good manners (that is, moral virtues) are those whereby what was entered upon can be best preserved. For all the virtues are contained in justice and charity. Whence it can also be understood that dispositions contrary to these are wicked; and that contrary manners and vices are all contained in injustice and in a mind insensible to another's evils that is, in a lack of charity.

39. Hobbes, Leviathan, p. 216.

40. K. Frankena, Ethics, (second ed.), Prentice Hall, Englewood Cliffs, N.J., p. 63.

41. Hobbes, Leviathan, p. 255.

42. Ibid., 20, p. 256.

43. Ibid.

44. Ibid., 15, p. 211.

45. G. Gooch, Hobbes, Folcroft Library Editions, G.B., 1970, p. 25.

46. D. Gauthier, Op. Cit., p. 120. Gauthier points out the significance of the distinction between an obligation not to resist and an obligation to obey the sovereign.

47. Hobbes, Leviathan, p. 226.

48. Ibid.

49. Hobbes, De Cive 13, 16, in Gert, Op. Cit., p. 269.

50. Hobbes, The Elements of Law, Natural and Politic, Frank Coss and Co., Ltd., 1969 parts (2,9,8), p. 189.

51. Hobbes, Leviathan, pp. 382-3.

52. Ibid., 46, p. 700.

53. C.B. MacPherson, The Political Theory of Possessive Individualism, Oxford University Press, 1962.

54. L. Strauss, The Political Philosophy of Hobbes, University of Chicago Press, Chicago, 1952, p. 50.

55. Ibid., pp. 25-6.

> It is possible to make the distinction between the attitude of the unjust man who obeys the laws of the state for fear of punishment, i.e. without inner conviction, and the attitude of the just man who for fear of death, and therefore from inner conviction, as it were once more accomplishing in himself the founding of the state, obeys the laws of the state. Fear of death and fear of punishment remain as different as far sighted consistent fear, which determines life in its depth and its entirety, is from short-sighted momentary fear which sees only the next step.

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